

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Lily, et al.,

Plaintiffs,

v.

JAN ROUVEN FUECHTENER,

Defendant.

Case No. 2:19-cv-00352-RFB-EJY

ORDER

Before the Court is Plaintiffs' Administrative Motion to Seal Portions of Motion to Approve Minor Settlements (ECF No. 68).

As the party seeking to seal a judicial record, Plaintiffs must meet their burden of overcoming the strong presumption in favor of access and public policies favoring disclosure. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that "compelling reasons" support secrecy). However, where a party seeks to seal documents attached to a non-dispositive motion, the "public policies that support the right of access to dispositive motions ... do not apply with equal force" *Kamakana*, 417 F.3d at 1179 (citation omitted).

The mere fact that the public release of documents may lead to a party's embarrassment, incrimination, or exposure to further litigation will not alone compel the court to seal its records. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003). Compelling reasons require a demonstration of something more, such as when court files have become a vehicle for improper purposes, including use of records to gratify private spite, promote public scandal, disseminate libelous statements, or circulate trade secrets. *Nixon v. Warner Commc'ns*, 435 U.S. 589, 598 (1978).

1 Here, Plaintiffs demonstrate good cause for filing the Motion for Approval of Minor
2 Settlement under seal. This Motion contains confidential personal information the public disclosure
3 of which could result in misuse that would harm Plaintiffs. Therefore, there is compelling reason
4 for granting Plaintiffs' Motion as to the identities of the victims, their family members, the counties
5 of their residence, and the settlement amount. The Court further approves Plaintiffs' request to
6 redact portions of the Motion necessary to maintain the confidentiality of information contained in
7 the Motion.

8 Accordingly, IT IS HEREBY ORDERED that Plaintiffs' Administrative Motion to Seal
9 Portions of Motion to Approve Minor Settlement (ECF No. 68) is GRANTED.

10 IT IS FURTHER ORDERED that the unredacted Motion for Approval of Minor Settlement
11 shall be filed as sealed.

12 IT IS FURTHER ORDERED that the redacted Motion for Approval of Minor Settlement
13 shall be filed unsealed on the public docket. Pages in this Motion that are redacted based on reference
14 to the victims, their family members, as well as counties of their residence, and the settlement amount
15 shall remain redacted.

16 Dated this 18th day of October, 2021.

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19 ELAYNA J. YOUCHAH
20 UNITED STATES MAGISTRATE JUDGE
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